

1 HONORABLE RONALD B. LEIGHTON
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 CALLI L HISEY,
11 v.
12 KELLY ELLIS, et al.,
13 Defendants.

14 CASE NO. C17-5543RBL
15 ORDER GRANTING PRELIMINARY
16 INJUNCTION PENDING TRIAL

17 THIS MATTER is before the Court on Plaintiff Hisey's Motion for a Preliminary
18 Injunction [Dkt. #6] against Defendants Kelly Ellis and Innovative Data Search LLC, dba
19 bankruptreport.com, among others. The Court has reviewed the record and heard oral argument.

20 To obtain a preliminary injunction, the moving party must show: (1) a likelihood of
21 success on the merits; (2) a likelihood of irreparable harm to the moving party in the absence of
22 preliminary relief; (3) that a balance of equities tips in the favor of the moving party; and (4) that
23 an injunction is in the public interest. *See Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008).

24 Traditionally, injunctive relief was also appropriate under an alternative "sliding scale"
25 test. *The Lands Council v. McNair*, 537 F.3d 981, 987 (9th Cir. 2008). However, the Ninth

1 Circuit overruled this standard in keeping with the Supreme Court's decision in *Winter*.
2 See *American Trucking Ass'n Inc. v. City of Los Angeles*, 559 F.3d 1046, 1052 (9th Cir. 2009)
3 ("[t]o the extent that our cases have suggested a lesser standard, they are no longer controlling, or
4 even viable").

5 Hisey has established each of these factors supporting a Preliminary Injunction against
6 Defendants Kelly Ellis and Innovative Data Search LLC, dba bankruptreport.com, pending trial
7 on her claims against them. The Motion for a Preliminary Injunction is GRANTED, and these
8 defendants are ENJOINED as follows:

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10 1. Defendants Kelly Ellis and Innovative Data Search LLC, dba
11 bankruptreport.com are ordered to stop posting and broadcasting false, defamatory
and malicious information about and depiction of the Plaintiffs' name, professional
career and business.

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13 2. Defendants Kelly Ellis and Innovative Data Search LLC, dba
14 bankruptreport.com are ordered to take down (and are ordered not to reinstate or
otherwise make accessible) the following websites: www.callihisey.com,
<https://callihisey.com.cutestat.com/>, <http://www.bankruptreport.com/articles/callihisey-attorney-arrested-for-public-urination-attacks-bankruptreport-com.html>,
<http://minify.mobi/results/callihisey.com>,
<https://dailyglib.com/washington-attorney-calli-hisey-previously-arrested-on-public-urination-charges/>.

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17 3. Defendants Kelly Ellis and Innovative Data Search LLC, dba
18 bankruptreport.com are ordered to stop using Plaintiffs' claimed trademarks in Calli
Hisey, Calli L. Hisey, Calli Lynn Hisey, and Calli Hisey Law Offices PC in any way
via online platforms or avenues or otherwise.

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20 The purpose of this preliminary injunction is to preserve the status quo as of today,
21 August 31, 2107, pending trial. This order is intended to put into effect the proposed stipulated
22 preliminary injunction offered by Defendants' counsel at oral argument and in her briefing,
despite the fact that no such stipulation was entered.
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Hisey has already posted a bond in the amount of \$1000 under Fed. R. Civ. P. 65(c) in connection with the TRO, and that bond will suffice for this Preliminary Injunction. The Clerk will issue an order determining pretrial deadlines and a trial date.

IT IS SO ORDERED.

Dated this 31st day of August, 2017.

Ronald B. Lightner

Ronald B. Leighton
United States District Judge